

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for calendar year 2008

Dated Filed: February 27, 2009

Name of company covered by this certification: Pac-West Telecomm, Inc.

Form 499 Filer ID: 808317

Name of signatory: Denis McCarthy


Title of signatory: CFO

I, Denis McCarthy, certify that I am an officer of the company named above ("Company"), and acting as an agent of the company, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Federal Communication Commission's ("Commission's") Customer Proprietary Network Information ("CPNI") rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the Company's procedures ensure that the Company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company has not received any customer complaints in the past year concerning the unauthorized release of CPNI. The Company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. The Company also has no knowledge or experience regarding the specific processes pretexters are using to attempt to access CPNI. The steps that the Company is taking to protect CPNI are described in the attached statement that summarizes the Company's internal procedures for compliance with the Commission's CPNI rules

This certification is made to the best of my knowledge, information and belief.

By: 

Denis McCarthy
CFO

Dated: February 27, 2009

Statement Regarding Customer Proprietary Network Information ("CPNI") Procedures

This statement explains the operating procedures of Pac-West Telecomm, Inc. ("Pac-West" or "Company") to ensure compliance with the Customer Proprietary Network Information ("CPNI") rules of the Federal Communications Commission ("FCC" or "Commission").

CPNI Uses

- Pac-West uses CPNI for the purpose of providing a customer with the requested telecommunications or interconnected VoIP service. The Company also uses CPNI for various purposes permitted by law, including:
 1. to initiate, render, bill, and collect for its telecommunications and interconnected VoIP services;
 2. to protect the rights or property of the Company or to protect users of those services and other service providers from fraudulent, abusive, or unlawful use of, or subscription to, such services;
 3. to provide inbound telemarketing, referral, or administrative services to the customers for the duration of the call, if such call is initiated by the customer and the customer approves of the use of such CPNI to provide such service;
 4. for purpose of providing carrier premise equipment ("CPE") and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, protocol conversion;
 5. for the provision of inside wiring, installation, maintenance, repair services, and;
 6. to market services formerly known as adjunct services, such as, but not limited to, speed dialing, computer provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller ID, call forwarding and certain Centrex features.
- Pac-west uses, discloses, and permits access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already purchases from the Company, without customer approval. Pac-West does not use, disclose or permit access to CPNI for the purpose of marketing any additional services outside of the category of services to which the customer already purchases from the Company.
- Pac-West does not share the CPNI of a customer with any affiliate or third party for purposes of marketing any services.

CPNI Protections

- Pac-West does not provide Call Detail Records (“CDR”) information over-the-phone to customers who contact the Company, unless the customer can identify the CDR information (*e.g.* time, date, and the terminating telephone number of a call). In such instances, Pac-West will assist the customer only with regard to the CDR information identified and will not release any other CDR information.
- Non-CDR CPNI is provided over-the-phone only to authorized contacts on the customer’s account.
- Customers have access to CPNI via on-line accounts. On-line account access is password protected. The Company does not have any retail locations.
- Pac-West will disclose CPNI upon affirmative written notice request by the customer to any person designated by the customer. A customer’s written request must be verified and approved by the customer’s designated account manager or the Company’s Regulatory Department.
- Within seven (7) days of a reasonable determination of breach (i.e. CPNI disclosed to a third party without customer authorization), the Company will notify the US Secret Service (“USSS”) and Federal Bureau of Investigation (“FBI”) of the breach via the central reporting facility www.fcc.gov/eb/cpni. After seven (7) days of USSS and FBI notice, if the Company has not received written direction from USSS or FBI, the Company will notify the customer of the breach, unless the USSS or FBI have extended the period for such notice. For two (2) years following USSS and FBI notice, the Company will maintain a record of (1) discovered breaches; (2) notifications to USSS and FBI; (3) USSS and FBI responses; (4) dates breaches discovered; (5) dates the Company notified USSS and FBI; (6) details of CPNI breached; and (7) circumstances of breaches.

Training and Enforcement

- Pac-West employees are trained as to the proper protection, uses and treatment of CPNI, including familiarity with the Company’s internal CPNI policies and procedures.
- Pac-West employs appropriate remedies against those persons violating the Company’s internal CPNI policies and procedures. Remedies may include, but are not limited to, financial, legal or disciplinary actions including termination and referrals to law enforcement when appropriate.

Recordkeeping

- In the event that the Company uses CPNI for sales or marketing campaigns, the Company will maintain a record of sales and marketing campaigns that use CPNI, including any instances when CPNI is disclosed or provided to third parties or when third parties are allowed access to CPNI. The record is required to include a description of each allowed access to CPNI. The record is required to include a description of each campaign, the specific CPNI that was used in the campaign, what products and services were offered as part of the campaign. Such records are required to be retained for at least one (1) year following the sales and marketing campaign.
- The Company maintains a supervisory review process regarding compliance with the rules for outbound marketing situations and maintains records of compliance for a minimum of one (1) year following the supervisory review. Sales personnel are required to obtain supervisory approval of any proposed outbound marketing request for customer approval.